

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Marcus Manick,) Civil Action No.: 6:14-510-BHH
)
 Plaintiff,)
)
)
vs.)
)
Shantay Crawford; Nickolas Futch;)
Greenwood Police Department)
Detective Division; Linda Middleton;)
Greenwood County Detention Center,)
)
)
 Defendants.)
_____)

The plaintiff Marcus Manick (“the plaintiff”), a pre-trial detainee at the Greenwood County Detention Center proceeding *pro se*, initiated this action pursuant to 42 U.S.C. § 1983 against the defendants Shantay Crawford, Nickolas Futch, Greenwood Police Department Detective Division, Linda Middleton, and the Greenwood County Detention Center (“the defendants”) alleging violations of his constitutional rights. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Kevin F. McDonald for pretrial handling and a Report and Recommendation. Magistrate Judge McDonald recommends that the court dismiss this case without prejudice and without issuance and service of process. (ECF No. 14.) The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter and the court incorporates them without recitation.

BACKGROUND

The plaintiff filed this action against the defendants alleging *inter alia* that he was falsely imprisoned on pending state criminal charges. On April 14, 2014, the Magistrate Judge issued a Report and Recommendation recommending that this case be dismissed

without prejudice and without issuance and service of process. (ECF No. 14.) On April 24, 2014, the plaintiff filed an untitled document which the Court liberally construes as objections to the Report and Recommendation. (ECF No. 16.)

STANDARD OF REVIEW

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

DISCUSSION

After a careful review of the document filed as the plaintiff's objections, it is fair to say that the plaintiff does not make any specific objections to the Report and Recommendation. Rather, the plaintiff's response to the Report and Recommendation rehashes the allegations of his complaint and adds some additional factual information to

his claim that he did not commit the offense with which he is charged. None of this information, however, is responsive to the reasons provided by the Magistrate Judge why the plaintiff's case should be dismissed. Accordingly, the Court is only required to review the Report and Recommendation for clear error. After reviewing the motions and responses, the record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error.

CONCLUSION

For the reasons stated above, the Court finds that the plaintiff's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. After a thorough review of the Report and Recommendation and the record in this case, the Court agrees with the Magistrate Judge. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference, and this action is DISMISSED without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

December 17, 2014
Greenville, South Carolina